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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/670,117  | 09/24/2003  | Frank E. Barrus      | 3484.1007-001       | 2544             |
| 21005   | 7590        | 01/29/2007           | EXAMINER            |                  |
| HAMILTON, BROOK, SMITH & REYNOLDS, P.C.<br>530 VIRGINIA ROAD<br>P.O. BOX 9133<br>CONCORD, MA 01742-9133 |             |                      | VUU, HENRY          |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2179                |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE  |             | MAIL DATE            | DELIVERY MODE       |                  |
| 3 MONTHS  |             | 01/29/2007           | PAPER               |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/670,117             | BARRUS, FRANK E.    |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Henry Vuu              | 2179                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 September 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 24 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 5, 7 – 11, and 13 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Uemura et al. (Publication No. 2003/0214534).

As to independent claim 1, Uemura et al. teaches:

A method of communicating with a user (see e.g., para. [0039], lines 6 – 12; i.e., communicating with a user corresponds to data items 210 associated with calendar application programs, or messaging application programs) of a display screen comprising (see e.g., para. [0042]; i.e., display module 241 utilizes visual cues to cause data items to be displayed on a video display device 250): proportionally decreasing (see e.g., para. [0048], lines 9 – 16; i.e., a data item assigned a lesser importance value, such as numeric importance value of 1, is presented to a user in a less intensified brightness color than a data item assigned an importance value of numerical value 20) brightness (see e.g., para. [0044], lines 1 – 6 and para. [0048], lines 9 – 12; i.e., a data item has a display intensity attribute, wherein the display intensity attribute corresponds

to brightness) of a first display area (see e.g., para. [0048], lines 13 – 16; i.e., the display area corresponds to a data item, wherein the data item, such as a calendar application program, occupying a display area of video display device 250) on the display screen (see e.g., para. [0042]; i.e., video display device 250); and increasing (see e.g., para. [0048], lines 13 – 16; i.e., increasing importance corresponds to increasing the numeric value of the data item's importance level) the brightness (see e.g., para. [0072], lines 18 – 20; i.e., the brightness of a data item is increased with respect to the numerical urgency level assigned to the data item) of a second area (see e.g., para. [0070]; i.e., the second display area corresponds to a second data item, such as a messaging application program, occupying a different screen space of video display 250 than the first data item) on the display screen (see e.g., para. [0042]; i.e., video display device 250) by a fixed amount (see e.g., para. [0044], lines 10 – 13; i.e., the brightness intensity and color of a data item are increased every second).

As to dependent claim 2, Uemura et al. teaches:

A method of claim 1 wherein the first area (see e.g., para. [0039], lines 8 – 10; i.e., the first area corresponds to a data item, such as a calendar application program) is configured to communicate a message to the viewer (see e.g., para. [0040], lines 7 – 11; i.e., the calendar application program is used to communicate the importance or urgency level of a meeting with a sales person).

As to dependent claim 3, Uemura et al. teaches:

A method of claim 1 wherein the second area (see e.g., para. [0070], lines 8 – 10; i.e., the second area corresponds to a data item, such as a messaging application program,

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occupying a different screen space of video display 250) is configured to communicate a message to the viewer (see e.g., para. [0039], lines 6 – 12; i.e., those skilled in the art would appreciate that a messaging program application is used to facilitate communication messages to a user).

As to dependent claim 4, Uemura et al. teaches:

A method of claim 1 wherein the first area (see e.g., para. [0039], lines 8 – 10; i.e., the first area corresponds to a data item, such as a calendar application program) and the second area (see e.g., para. [0070], lines 8 – 10; i.e., the second area corresponds to a data item, such as a messaging application program, occupying a different screen space of video display 250) are configured to communicate a message to the viewer (see e.g., para. [0039], lines 6 – 12 and para. [0040], lines 7 – 11; i.e., the calendar application program is used to communicate the importance or urgency level of a meeting with a sales person and those skilled in the art would appreciate that a messaging program application is used to facilitate communication messages to a user).

As to dependent claim 5, Uemura et al. teaches:

A method of claim 1 wherein the fixed amount (see e.g., para. [0048], lines 9 – 16; i.e., the fixed amount corresponds to a numeric value assigned to a data item, wherein each numeric value, for instance the numeric value 1, is a fixed numeric value assigned to a specific brightness) is greater (see e.g., para. [0048], lines 13 – 16; i.e., a data item is assigned a numeric importance value, wherein the greater the numeric value, the greater the brightness intensity) than a brightness of a brightness location within the first

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area (see e.g., para. [0015] and para. [0048], lines 9 – 16; i.e., a first data item with an importance level of 10 is to be viewed as being more important than a second data item with an importance value of 5, wherein the second area and first area corresponds to a message application program and a calendar application program respectively. Furthermore, all data items assigned an importance value can be displayed on a single video output device, wherein the screen area occupied by the data item corresponds to the data items area).

As to independent claim 7, Uemura et al. teaches:

A method of communicating with a viewer user (see e.g., para. [0039], lines 6 – 12; i.e., communicating with a user corresponds to data items 210 associated with calendar application programs, or messaging application programs) of a multi-component color display screen (see e.g., para. [0031], lines 6 – 8; i.e., computer monitor 157 is a monitor configured to display data items and other items in different colors) comprising: proportionally decreasing (see e.g., para. [0048], lines 9 – 16; i.e., a data item assigned a lesser importance value, such as numeric importance value of 1, is presented to a user in a less intensified brightness color than a data item assigned an importance value of numerical value 20) the brightness (see e.g., para. [0044], lines 1 – 6 and para. [0048], lines 9 – 12; i.e., a data item has a display intensity attribute, wherein the display intensity attribute corresponds to brightness) of a color component within a first area (see e.g., para. [0044], lines 6 – 13 and para. [0048], lines 13 – 16; i.e., the display area corresponds to a data item, wherein the data item, such as a calendar application program, occupying a display area of video display device 250 will vary in display

intensity) on the display screen (see e.g., para. [0031], lines 6 – 8; i.e., computer monitor 157); and increasing (see e.g., para. [0048], lines 13 – 16; i.e., increasing importance corresponds to increasing the numeric value of the data item's importance level) the brightness (see e.g., para. [0072], lines 18 – 20; i.e., the brightness of a data item is increased with respect to the numerical urgency level assigned to the data item) of the color component within a second area (see e.g., para. [0044], lines 6 – 13 and para. [0070]; i.e., the second display area corresponds to a second data item, such as a messaging application program, occupying a different screen space of video display 250 than the first data item, wherein message application program vary in display intensity) on the display screen (see e.g., para. [0031], lines 6 – 8; i.e., computer monitor 157) by a fixed amount (see e.g., para. [0044], lines 10 – 13; i.e., the brightness intensity and color of a data item are increased every second).

As to dependent claim 8:

Claim 8 is analyzes with respect to claim 7 as previously discussed above. Claim 8 incorporates substantially similar subject matter as claimed in claim 2, and are respectfully rejected along the same rationale.

As to dependent claim 9:

Claim 9 is analyzes with respect to claim 7 as previously discussed above. Claim 9 incorporates substantially similar subject matter as claimed in claim 3, and are respectfully rejected along the same rationale.

As to dependent claim 10:

Claim 10 is analyzes with respect to claim 7 as previously discussed above. Claim 10 incorporates substantially similar subject matter as claimed in claim 4, and are respectfully rejected along the same rationale.

As to dependent claim 11:

Claim 11 is analyzes with respect to claim 7 as previously discussed above. Claim 11 incorporates substantially similar subject matter as claimed in claim 5, and are respectfully rejected along the same rationale.

As to independent claim 13, Uemaur et al. teaches:

System communication device (see e.g., para.[0022] and para. [0024], lines 1 – 4; i.e., the communication system corresponds to a computer system 100 used to display the urgency and importance of data items) comprising a display screen (see e.g., para. [0031], lines 6 – 8; i.e., computer monitor 157), and a computing device coupled to the display screen (see e.g., para. [0032]), the computing device, in response to an event (see e.g., para. [0039], lines 8 – 12 and para. [0040], lines 7 – 11; i.e., the event corresponds to a calendar application program data item that reminds a user of a meeting with a sales person), proportionally decreasing (see e.g., para.[0048], lines 9 – 16; i.e., a data item assigned a lesser importance value, such as numeric importance value of 1, is presented to a user in a less intensified brightness color than a data item assigned an importance value of numerical value 20) the brightness (see e.g., para. [0044], lines 1 – 6 and para. [0048], lines 9 – 12; i.e., a data item has a display intensity attribute, wherein the display intensity attribute corresponds to brightness) of a first area (see e.g., para. [0044], lines 6 – 13 and para. [0048], lines 13 – 16; i.e., the display area

corresponds to a data item, wherein the data item, such as a calendar application program, occupying a display area of video display device 250 will vary in display intensity) on the display screen (see e.g., para. [0031], lines 6 – 8; i.e., computer monitor 157) and increasing (see e.g., para. [0048], lines 13 – 16; i.e., increasing importance corresponds to increasing the numeric value of the data item's importance level) the brightness (see e.g., para. [0072], lines 18 – 20; i.e., the brightness of a data item is increased with respect to the numerical urgency level assigned to the data item) of a second area (see e.g., para. [0070]; i.e., the second display area corresponds to a second data item, such as a messaging application program, occupying a different screen space of video display 250 than the first data item) on the display screen (see e.g., para. [0031], lines 6 – 8; i.e., computer monitor 157) by a fixed amount (see e.g., para. [0044], lines 10 – 13; i.e., the brightness intensity and color of a data item are increased every second).

As to dependent claim 14:

Claim 14 is analyzes with respect to claim 13 as previously discussed above. Claim 14 incorporates substantially similar subject matter as claimed in claim 8, and are respectfully rejected along the same rationale.

As to dependent claim 15:

Claim 15 is analyzes with respect to claim 13 as previously discussed above. Claim 15 incorporates substantially similar subject matter as claimed in claim 9, and are respectfully rejected along the same rationale.

As to dependent claim 16:

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Claim 16 is analyzes with respect to claim 13 as previously discussed above. Claim 16 incorporates substantially similar subject matter as claimed in claim 10, and are respectfully rejected along the same rationale.

As to dependent claim 17:

Claim 17 is analyzes with respect to claim 13 as previously discussed above. Claim 17 incorporates substantially similar subject matter as claimed in claim 11, and are respectfully rejected along the same rationale.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 12, and 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uemura et al. (Publication No. 2003/0214534) in view of Brown et al. (Patent No. 7,046,254).

As to dependent claim 6, this claim is analyzed with respect to claim 1 as previously discussed above. Uemura et al. teaches proportionally decreasing (see e.g., para.[0048], lines 9 – 16; i.e., a data item assigned a lesser importance value, such as numeric importance value of 1, is presented to a user in a less intensified brightness color than a data item assigned an importance value of numerical value 20) and increasing (see e.g., para. [0048], lines 13 – 16; i.e., increasing importance corresponds

to increasing the numeric value of the data item's importance level) communicates an event (see e.g., para. [0039], lines 8 – 12; i.e., the event corresponds to a messaging application program, or a calendar application program, which are assigned a numeric value and are displayed in varying brightness and color). Uemura et al. does not specifically mention that the decreasing and increasing communicated an abnormal situation. Brown et al. teaches an abnormal situation (see e.g., col. 8, lines 49 – 58; i.e., the abnormal situation corresponds to "application #2" being inactive for more than a predetermined time) that invokes a transparent resource aid, wherein the transparent resource aid increases in size with the increase in time. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the decreasing and increasing of color to communicate an event of Uemura et al. with the abnormal situation of Brown et al. because transparent aid can be used to monitor system events, such as inactivity of a particular application, without obscuring the object or application displayed on the display (see e.g., col. 2, lines 28 – 31).

Claim 12 is analyzes with respect to claim 7 as previously discussed above. As to dependent claim 12, claim 12 incorporates substantially similar subject matter as claimed in claim 6, and are respectfully rejected along the same rationale.

Claim 18 is analyzes with respect to claim 13 as previously discussed above. As to dependent claim 18, claim 18 incorporates substantially similar subject matter as claimed in claim 12, and are respectfully rejected along the same rationale

As to dependent claim 19, this claim is analyzed with respect to claim 13 as previously discussed above. Uemura et al. teaches a display screen (see e.g., para.

[0031], lines 6 – 8; i.e., computer monitor 157) is a multi-component color display (see e.g., para. [0031], lines 6 – 8; i.e., computer monitor 157 is a monitor configured to display data items and other items in different colors), and the computing device (see e.g., para. [0032]), in response to an event (see e.g., para. [0039], lines 8 – 12 and para. [0040], lines 7 – 11; i.e., the event corresponds to a calendar application program data item that reminds a user of a meeting with a sales person), proportionally decreases (see e.g., para. [0048], lines 9 – 16; i.e., a data item assigned a lesser importance value, such as numeric importance value of 1, is presented to a user in a less intensified brightness color than a data item assigned an importance value of numerical value 20) the brightness (see e.g., para. [0044], lines 1 – 6 and para. [0048], lines 9 – 12; i.e., a data item has a display intensity attribute, wherein the display intensity attribute corresponds to brightness) of a color component within the first area area (see e.g., para. [0044], lines 6 – 13 and para. [0048], lines 13 – 16; i.e., the display area corresponds to a data item, wherein the data item, such as a calendar application program, occupying a display area of video display device 250 will vary in display intensity) on the display screen (see e.g., para. [0031], lines 6 – 8; i.e., computer monitor 157) and increases (see e.g., para. [0048], lines 13 – 16; i.e., increasing importance corresponds to increasing the numeric value of the data item's importance level) the brightness (see e.g., para. [0072], lines 18 – 20; i.e., the brightness of a data item is increased with respect to the numerical urgency level assigned to the data item) of the color component within a second area (see e.g., para. [0044], lines 6 – 13 and para. [0070]; i.e., the second display area corresponds to a second data item, such as a

messaging application program, occupying a different screen space of video display 250 than the first data item, wherein message application program vary in display intensity) on the display screen (see e.g., para. [0031], lines 6 – 8; i.e., computer monitor 157) by a fixed amount (see e.g., para. [0044], lines 10 – 13; i.e., the brightness intensity and color of a data item are increased every second). Uemura et al. does not specifically mention a translucent film overlaying the original contents of the screen display at the time of the event such that the original content remains visible. Brown et al. teaches a translucent film (see e.g., Fig. 3 and col. 8, lines 11 – 20; i.e., the translucent film corresponds to transparent resource aid 48) over laying the original contents of the screen display (see e.g., Fig. 3 and col. 8, lines 11 – 20; i.e., the dashed transparent resource aid box 48 of Fig. 3 is a transparent aid that is displayed on top of “drive A” icon 46) of the screen display at the time of an event (see e.g., col. 8, lines 11 – 20; i.e., the event corresponds to a the user positioning cursor 43 in association with “drive A” icon 46) such that the original contents remains visible (see e.g., Fig. 3 and col. 8, lines 11 – 20; i.e., transparent resource aid 48 is translucent can, wherein “drive A’s” 43 text is visible through resource aid 48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the multi-component color display and computing device of Uemura et al. with the translucent film overlaying the original contents of the screen display at the time of an event such that the original content remains visible of Brown et al. because the objects in a display are not obscured from the transparent resource aid (see e.g., col. 2, lines 28 – 31).

As to dependent claim 20, this claim is analyzed with respect to claim 19 as previously discussed above. Uemura et al. teaches a predetermined color (see e.g., para. [0048], lines 1 – 10 and para. [0068], lines 1 – 8; i.e., the predetermined color corresponds to a user defined numeric value assigned to a data item, wherein each predetermined numeric value is a specific color and brightness) signifying an event (see e.g., para. [0039], lines 8 – 12; i.e., the event corresponds to a messaging application program, or a calendar application program). Uemura et al. does not specifically mention the translucent film signifying system status. Brown et al teaches a translucent film (see e.g., Fig. 3 and col. 8, lines 11 – 20; i.e., the translucent film corresponds to transparent resource aid 48) signifying system status (see e.g., Fig. 3 and col. 7, lines 26 – 42; i.e., signifying system status corresponds to software selections 88 and hardware selections 86 in the “user defined initiating events 80”, wherein the transparent resource aid 48 is invoked when resource level rises above or below a maximum or minimum setting for a hardware or software component). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the predetermined color signifying an event of Uemura et al. with the translucent film signifying system status of Brown et al. because the transparent resource aid does not obscure objects displayed on a display (see e.g., col. 2, lines 28 – 31).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art Patent No. 6,353,451 can be applicable and pertinent to

applicant's disclosure. Prior art disclosed by Teibel et al. discloses a method and system that contains a parent and child window, wherein the windows are transparent and are able to increase or decrease the visual properties of each window.

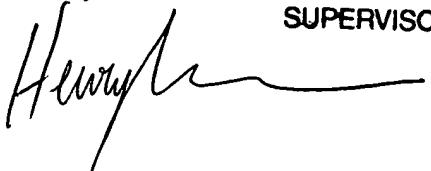
***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Vuu whose telephone number is (571) 270-1048. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Henry Vuu



WEILUN LO  
SUPERVISORY PATENT EXAMINER